REMARKS

Claims 6, 7, 9-24, and 47-72 are pending in this patent application. Claims 6, 7, 9-24, and 47-69 are rejected. Claims 6, 47, 55, 60, and 66 are amended. Claims 70-72 are newly added. No new matter has been added.

Claims 6-7, 9-13, 15-19, 22-24, and 47-69 under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (U.S. Patent Application Publication No. 2003/0027639) in view of Walker et al. (U.S. Patent Application Publication No. 2003/0003988). Peterson et al. is referred to herein as Peterson and Walker et al. is referred to herein as Walker.

Peterson describes a method and a system for playing a game of skill in a networked environment. The system includes a game client (14) that communicates with a master server (701) and receives a list of game servers that are currently available (paragraph 56). The method is described below with reference to Figure 9.
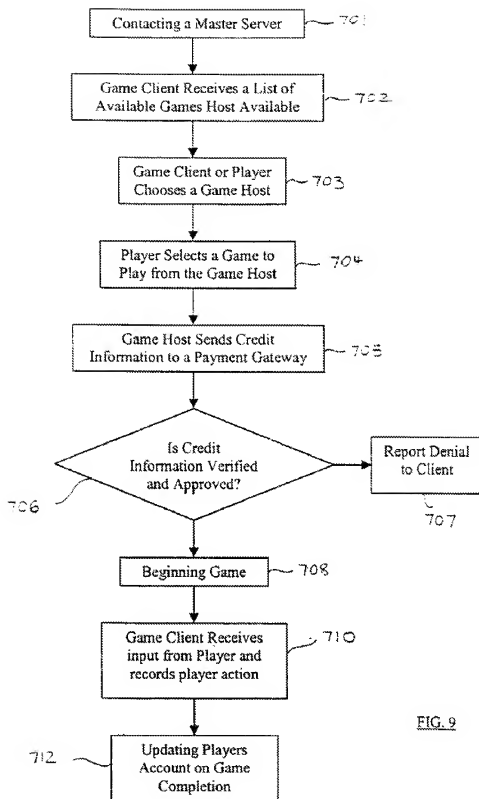
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┌─────────────────────────────┐
│  Contacting a Master Server │───── 701
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Game Client Receives a List │───── 702
│ of Available Games Host     │
│ Available                   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Game Client or Player       │───── 703
│ Chooses a Game Host         │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Player Selects a Game to    │───── 704
│ Play from the Game Host     │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Game Host Sends Credit      │───── 705
│ Information to a Payment     │
│ Gateway                     │
└─────────────────────────────┘
              │
              ▼
         ╱─────────╲
        ╱  Is Credit ╲                ┌──────────────┐
       ╱  Information  ╲─────────────▶│ Report Denial│
       ╲  Verified and ╱              │ to Client    │
  706 ── ╲ Approved?   ╱              └──────────────┘
         ╲───────────╱                      707
              │
              ▼
┌─────────────────────────────┐
│       Beginning Game        │───── 708
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Game Client Receives        │───── 710
│ input from Player and       │
│ records player action       │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
712 ──│ Updating Players            │
      │ Account on Game             │
      │ Completion                  │
      └─────────────────────────────┘
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FIG. 9

This "server list is sorted by at least one of bandwidth and network latency so as to allow a game client to select a game server which is closest to the location of that game client 703. A game client may interact with various game servers in order to peruse the games listed at those particular game servers and select a game to play 704" (paragraph 56). Once a game is selected, "credit information is sent to a payment gateway via the server or game host controlling the game 705. The system operates with existing authorizing financial institutions and credit processing services over a secure network. Once the credit information has been verified and approved 706, the game host will begin the game 708 and send game data packets to the respective game clients" (paragraph 56).

Walker describes a system for planning and customizing a gaming experience. In this system, "a central controller communicates with multiple user devices, multiple casino servers, and multiple marketer devices. The casino servers, in turn, are in communication with multiple casino devices, including gaming devices. Prior to embarking on a gaming vacation, a user may log onto a Web site hosted by the central controller. On the Web site, the user may prepare for his vacation by inputting a preferred gaming device configuration, choosing a betting system, selecting a group of friends with which to share winnings, and by performing or using other aspects of the invention mentioned above. The central controller may then associate all the data defining the user's preparations with a preparation code or a user identifier, such as the user's name or a player tracking card number, and store the user's preparation data in, for example, a preparation database and the user identifier in a user database. When the user subsequently visits a casino, the user may submit his user identifier and/or preparation code to any casino device. The device may then contact the central controller via the casino server and receive the user's preparation data. The casino device may then modify its operations in accordance with the preparation data. For example, the casino device may execute software for a particular game the user has chosen, or may spin the reels at a speed the user has chosen" (paragraph 31).

Applicants respectfully submit that neither Peterson nor Walker, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6.

For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest *a gaming apparatus comprising* "said controller being programmed to select a casino gaming server from among said plurality of casino gaming servers, wherein said controller makes said selection according to said organization of casino gaming servers organized based on said server information data, *said controller being programmed to send the selection to said selected casino gaming server that enters a wait state and that determines during the wait state whether said selected casino gaming server is selected*" as recited in claim 6 (*Emphasis added*).

As explained on page 30, line 27 – page 31, line 3, "[f]ollowing the response at block 207, the gaming server 48 may again wait 208 for a signal from the gaming unit 20, 30 to determine if the gaming server 48 was selected. If the gaming server 48 receives a signal that it was not selected, another gaming server 48 was selected or if no signal is received after a predetermined time, the gaming server 48 may terminate 210 communications with the gaming unit 20, 30. This may include sending the gaming unit 20, 30 an acknowledgement that communications will be terminated 210. If the gaming server 48 was selected for a downloading operation, the gaming server 48 may begin sending gaming data to the gaming unit 20, 30 at block 209. Alternatively, the gaming server 48 may wait for another signal from the gaming unit 20, 30 indicating the particular gaming data it wishes to download."

Rather, Peterson describes a game client that selects a game server which is closest to the location of that game client. The game client may interact with various game servers in order to peruse the games listed at those particular game servers and selects a game to play. Once the game is selected, credit information is sent to a payment gateway via the server. Further Walker describes a central controller that allows a user to log onto a Web site hosted by the central controller and select a group of friends with which to share winnings. Accordingly, Walker describes that the central controller allows the user to select the group of friend with whom to share winnings and Peterson describes that the game client selects the game server and selects a game to play. The combination of Peterson and Walker does not suggest the *wait state* as is recited in claim 6 (Emphasis added). Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest a gaming apparatus comprising "*said controller being*

programmed to send the selection to said selected casino gaming server that enters a wait state and that determines during the wait state whether said selected casino gaming server is selected" (*Emphasis added*).

As another example, for at least the same reasons set forth above, the combination of Peterson and Walker does not describe or suggest "receiving a selection, made according to the server information data, of the server gaming apparatus from the plurality of servers, the selection designating the server gaming apparatus for download of the gaming data for a game not available on said client gaming apparatus, *the selection designating the server gaming apparatus that enters a wait state and that determines during the wait state whether the server gaming apparatus is selected*" as recited in claim 47.

As still another example, for at least the same reasons set forth above, neither Peterson nor Walker, considered alone or in combination, describe or suggest "*determining whether the server gaming apparatus is selected from a plurality of servers by entering a wait state*" as recited in claim 55.

As another example, for at least the same reasons set forth above, the combination of Peterson and Walker does not describe or suggest a processor programmed to "*send the selection to the server gaming apparatus that enters a wait state and that determines during the wait state whether the server gaming apparatus is selected*" as recited in claim 60.

As another example, for at least the same reasons set forth above, the combination of Peterson and Walker does not describe or suggest the computer-readable medium comprising a plurality of instructions configured to direct the processor to "receive a selection, made according to the server information data, of the server gaming apparatus from the plurality of servers, the selection designating the server gaming apparatus for download of the gaming data for a game not available on said client gaming apparatus; *send the selection to the selected server gaming apparatus that enters a wait state and that determines during the wait state whether the selected server gaming apparatus is selected*" as recited in claim 66.

The various dependent claims are respectfully submitted to be patentable over the art of record for at least the same reasons as set forth above with respect to their

associated independent claims. Furthermore, these dependent claims recite additional features that when considered in the context of the claimed invention, further patentably distinguish the art of record. Accordingly, for at least the reasons set forth above, claims 6-7, 9-13, 15-19, 22-24, and 47-69 are patentable over Peterson in view of Walker.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Grimm et al. (U.S. Patent No. 6345297), referred to as Grimm.

Claim 14 depends from independent claim 6. As described above, claim 6 is patentable over Peterson in view of Walker. Further, Grimm is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, and Grimm, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6. Hence, claim 14, which include the recitations of claim 6, are patentable over Peterson in view of Walker, and further in view of Grimm.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Crumby (U.S. Patent No. 6638170).

Claims 20-21 depend indirectly from independent claim 6. As described above, claim 6 is patentable over Peterson in view of Walker. Further, Crumby is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, and Crumby, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6. Hence, claims 20-21, which include the recitations of claim 6, are patentable over Peterson in view of Walker, and further in view of Crumby.

New Claims

Newly added claims 70-72 depend from independent claim 6, which is patentable over the cited art for at least the reasons set forth above. Accordingly, Applicants respectfully submit that claims 70-72 are also patentable over the cited art.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGT1P213/P-657).

Respectfully submitted,

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